

**Applicant: Michael J. Fell
Application No.: 09/989,636**

38. The apparatus of claim 37 wherein the vertical support and the display element are a one piece unit.

39. The apparatus of claim 31 wherein the display element has the same general shape and appearance as the displayed product.

40. The apparatus of claim 39 wherein the vertical support and the display element are a one piece unit.

41. The apparatus of claim 40 wherein the apparatus has different product display elements on each of the opposed face portions.

REMARKS

The Examiner noted that the Information Disclosure Statement filed on November 20, 2001 fails to comply with 37 CFR 1.98(a)(2) which requires a legible copy of each U.S. and foreign patent. Applicant respectfully submits that the Information Disclosure Statement filed November 20, 2001 complies with 37 CFR 1.98(a)(2) because pursuant to 37 CFR 1.98(d) the Statement properly identifies an earlier application relied upon for an earlier effective filing date, and the earlier filed application properly identifies the cited references.

Claims 1-41 are currently pending in this application. By the foregoing, Applicant has added new claims 31-41. No new matter has been introduced into the application by these amendments. Applicant's below remarks address the

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Examiner cited art.

Claims 16-18, 20, 24, and 26-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Snyder (U.S. Pat. No. 3,640,389). Applicant respectfully traverses this rejection.

Snyder discloses a modular shelving unit having a base section (30). Snyder fails to disclose a merchandising element detachably engaged with a lateral side of the base as disclosed in claim 16. Further, Snyder fails to disclose a merchandising element engaged with any part of the base section (30). Snyder discloses a structural front panel (31) that is not a detachably engaged merchandising element as understood by those skilled in the art. Accordingly, Applicant respectfully submits that claim 16 is patentable over Snyder. Therefore, claims 17-25 which depend from claim 16 are also patentable over Snyder.

Claims 21, 22, 23, and 25 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Snyder, respectively in view of Valentine et al. (U.S. Pat. No. 4,403,554), Hutson (U.S. Pat. No. 4,611,717), Sourlis (U.S. Pat. No. Re. 36,676), and Meeker et al. (U.S. Pat. No. 5,438,938). Applicant respectfully traverses each of these rejections.

None of the above listed references corrects the deficiencies of Snyder with respect to claim 16. Each fails to disclose a merchandising element detachably

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engaged with a lateral side of the base. Claims 21, 22, 23, and 25 are not obvious in view of any reasonable combination of the cited references.

Claims 1-6, 9-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder. Applicant respectfully traverses this rejection.

Snyder fails to disclose the step of detachably engaging a merchandising element to the base as recited in claims 1 and 10. Snyder discloses a structural front panel (31) which is not a detachably engaged merchandising element as understood by those skilled in the art. Accordingly, Applicant respectfully submits that claim 1 and 10 are patentable over Snyder. Consequently, claims 2-9 and 11-14 which depend from either claim 1 or 10 are also patentable over Snyder.

Claim 7 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Snyder in view of Hutson. Claims 8 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of Sourlis. Given that neither Snyder nor Sourlis corrects the afore-described deficiencies of Snyder, Applicant respectfully traverses these rejections.

Claim 15 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Snyder in view of Fell (U.S. Pat. No. 6,412,743). Applicant respectfully submits that this rejection is improper under 35 U.S.C. 103 (c). Fell and the Applicant are the same person and the inventions are commonly owned, and this Application was

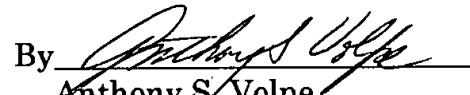
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filed before the issuing of Fell, therefore a combination to establish obviousness using Fell is not proper.

In view of the foregoing amendment and remarks, Applicant respectfully submits that claims 1-41 are allowable. Reconsideration and a Notice of Allowance are respectfully requested. In the event the Examiner believes an interview, in person or telephonically, will advance allowance, it is respectfully requested that the undersigned be contacted to arrange the same.

Respectfully submitted,

Michael J. Fell

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Enclosures